

STEPHEN A. ZAPPALA, JR.  
DISTRICT ATTORNEY



OFFICE OF THE DISTRICT ATTORNEY

# County of Allegheny

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Mr. David M. Morgan  
Editor-The Cochise County Register  
10 Quality Hill  
PO Box 1218  
Bisbee, AZ 85603

January 26, 2016

Chief Douglas W. Burkholder  
Open Records Officer  
Upper St. Clair Police Department  
1820 McLaughlin Run Road  
Upper St. Clair, PA 15241

In re: *Morgan v. Upper St. Clair Township Police Department, OOR Dkt. AP 2016-0010*

Dear Mr. Morgan and Chief Burkholder:

I am the Open Records Appeals Officer for the District Attorney of Allegheny County. As you know, on January 19, 2016 Joshua T. Young, Esquire, Appeals Officer, Office of Open Records, directed me to decide whether the Township properly invoked the Criminal Investigative Exemption to the following records requested by Mr. Morgan:

all incident reports, investigative records, witness statements, interviews, notes, recordings and other documents ... related to the ultimate request for and issuance of arrest warrants for George M. Cooper.

(Final Determination of OOR, p.1).

Chief Burkholder did provide a redacted incident report containing police blotter information but refused to provide the additional requested documents, finding them exempt from disclosure under Section 708(b)(16) of the RTKL.

I have examined the sections relied upon by the Township as well as the Affidavit of Chief Burkholder submitted to OOR. I must uphold the denial. Please be advised that pursuant to

Section 1302 you have 30 days to appeal my decision to the Court of Common Pleas of Allegheny County.

Very truly yours,

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Michael W. Streily  
Deputy District Attorney  
Open Records Appeals Officer